

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:20-CR-236 JCM (EJY)

Plaintiff(s),

ORDER

v.

JOSUE GARCIA-RODRIGUEZ,

Defendant(s).

Pending before the court is defendant Josue Garcia-Rodriguez's *pro se* motion for a sentence reduction under Amendment 821 of the United States Sentencing Commission Guidelines. (ECF No. 28). Amendment 821 is a retroactive amendment that provides a 2-level downward offense level adjustment for certain zero-point offenders whose offenses fit within the guideline's criteria. *See* USSG § 4C1.1.

This court sentenced the defendant on November 20, 2020. (ECF No. 26). The defendant filed his motion to correct *pro se* but was thereafter appointed a federal public defender, pursuant to General Order 2023-09.¹ (ECF No. 30).

The defendant's counsel filed a notice of non-eligibility. (ECF No. 31). She informs the court that she reviewed the defendant's motion (and other relevant documents) and has determined that the defendant does not qualify for a sentence reduction under Amendment 821. (*Id.*). The court finds no reason to deviate from counsel's representations regarding her client.

...

¹ General Order 2023-09 presumptively appointed counsel for any defendant "previously determined to have been entitled to appointment of counsel, or who is now entitled to appointment of counsel, to determine whether that defendant may qualify for retroactive relief under Amendment 821."

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion for a
3 sentence reduction (ECF No. 28) be, and the same hereby is, DENIED.

4 DATED January 29, 2024.

5 
6 UNITED STATES DISTRICT JUDGE